

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AQUANETTE THOMPSON, on)
behalf of herself and all others similarly)
situated,)

Plaintiff,)

VS.

ICUL SERVICE CORPORATION d/b/a)
CREDITORS RESOURCE SERVICE,)

Defendant.)

Case No. 20-cv-07240

**STIPULATION TO SUBSTITUTE PLAINTIFF
AND FOR VOLUNTARY DISMISSAL**

Pursuant to Federal Rules of Civil Procedure 25 and 41, Ronald Peterson, not individually but solely as chapter 7 trustee (the “**Trustee**”) for the bankruptcy estate of Plaintiff Aquanette Thompson (“**Thompson**”), and Defendant ICUL Service Corporation d/b/a Creditors Resource Service (“**ICUL**,” together with the Trustee, the “**Parties**”) hereby stipulate to (the “**Stipulation**”) and request entry of an order (a) substituting the Trustee as the plaintiff in the above-captioned lawsuit (the “**Lawsuit**”); and (b) voluntarily dismissing Lawsuit with prejudice. In support of this Stipulation, the Parties state as follows:

1. On December 7, 2020, the Debtor filed the above-captioned Lawsuit against ICUL alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.*
2. On March 11, 2021, while the Lawsuit remained pending, Thompson filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Illinois (the “**Bankruptcy Court**”). (Case No. 21-

03135 (Bankr. N.D. Ill.), Dkt. 1). At that time, the Ronald Peterson was appointed chapter 7 trustee of Thompson's bankruptcy estate.

3. Pursuant to 11 U.S.C. § 541, upon the filing of Thompson's bankruptcy case and subject to certain inapplicable exceptions, "all legal or equitable interests of [Thompson] in property"—including her interest in the Lawsuit, and the claims and causes of action asserted therein—became property of her bankruptcy estate. *See* 11 U.S.C. § 541(a)(1).

4. On June 4, 2021, the Trustee filed a motion under Federal Rule of Bankruptcy Procedure 9019 seeking the Bankruptcy Court's approval of a settlement of the Lawsuit. (Case No. 21-03135 (Bankr. N.D. Ill.), Dkt. 19). On July 1, 2021, the Bankruptcy Court entered an order authorizing the Trustee to settle the Lawsuit under the terms of the parties' settlement agreement, which requires the Trustee to dismiss the Lawsuit with prejudice. (Case No. 21-03135 (Bankr. N.D. Ill.), Dkt. 23).

5. Consequently, as Thompson's interest in this Lawsuit transferred to her bankruptcy estate upon the filing of her chapter 7 case by operation of 11 U.S.C. § 541, cause exists to substitute the Trustee as sole plaintiff in the Lawsuit pursuant to Federal Rule of Civil Procedure 25(c). *See* Fed. R. Civ. P. 25(c) ("If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party.").

6. Once substituted as plaintiff, Federal Rule of Civil Procedure 41(a) permits the Trustee to dismiss the Lawsuit with prejudice by filing either: (a) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (b) a stipulation of dismissal signed by all parties who have appeared. *See* Fed. R. Civ. P. 41(a).

7. In accordance with Federal Rule of Civil Procedure 25(c), the Parties gave notice of this Stipulation to Thompson's counsel in the manner required under Rule 5, as set forth in the certificate of service accompanying this Motion.

WHEREFORE, the Parties respectfully request that the Court enter an order: (a) approving this Stipulation; (b) substituting the Trustee as the sole plaintiff in Lawsuit; (c) dismissing the Lawsuit with prejudice; and (d) granting such other relief as the Court deems proper.

Dated: August 10, 2021

Respectfully submitted,

RONALD R. PETERSON, not individually
but solely as chapter 7 trustee for the
bankruptcy estate of Aquanette Thompson

ICUL SERVICE CORPORATION d/b/a
Creditors Resource Service

By: /s/ Ronald R. Peterson
Ronald R. Peterson, Trustee

By: /s/ Brian W. Norkett
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on August 10, 2021, he caused copies of the foregoing **STIPULATION TO SUBSTITUTE PLAINTIFF AND FOR VOLUNTARY DISMISSAL** to be served upon the parties listed below by ECF and by causing copies of same to be deposited in the United States Postal Service receptacle at 353 N. Clark Street, Chicago, Illinois 60654, in properly addressed envelopes with correct first-class postage prepaid.

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